

## Remarks

### 1. Status of the Claims

Claims 1, 4-6, 9, 22-23, and 28-37 are presently pending in this application. Claims 1 and 22 are independent.

### 2. Summary of the Office Action

In the Office Action mailed August 3, 2007, the Examiner rejected claims 1, 4-6, 9, 22-23, and 28-37 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the combination of U.S. Patent No. 6,836,644 (hereinafter “Bacon”), U.S. Patent No. 6,088,589 (hereinafter “Valentine”), and U.S. Patent Application Publication No. 2003/0073438 (hereinafter “Fukushima”).

### 3. Response to the Claim Rejections

Under M.P.E.P. § 2143, in order for a combination of references to render a claimed invention obvious, the combination of references must teach or suggest all of the limitations of the claim. “To reach a proper determination under 35 U.S.C. § 103, the examiner must step backward in time and into the shoes worn by the hypothetical ‘person of ordinary skill in the art’ when the invention was unknown and just before it was made. In view of all the factual information, the Examiner must then make a determination *whether the claimed invention ‘as a whole’* would have been obvious at that time to that person.” (M.P.E.P. § 2142, emphasis added). “Impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of facts gleaned from the prior art.” (M.P.E.P. § 2142).

Applicant submits the Examiner has not pointed to objective evidence that logically leads to the claimed invention including (i) comparing a registered location of a fixed wireless device to a current location of the fixed wireless device, *wherein the registered location is stored at the*

*fixed wireless device and comprises information indicating a customer premises where the fixed wireless device is located, and responsively activating an alert at the fixed wireless device if the registered location of the fixed wireless device does not match the current location of the fixed wireless device, as recited in claim 1, and (ii) data storage for storing a registered location of a wireless local loop hub, wherein the registered location comprises stored information indicating a customer premises where the wireless local loop hub is located, and alert logic arranged to invoke an alert mechanism so as to provide an alert at the wireless local loop hub in response to a determination that the current location of the wireless local loop hub does not match the registered location of the wireless local loop hub, as recited in claim 22.*

In rejecting claims 1 and 22, the Examiner indicated that Bacon teaches a method comprising comparing a registered location of a fixed wireless device to a current location of the fixed wireless device, wherein the registered location is stored at the fixed wireless device and comprises information indicating a customer premises where the fixed wireless device is located. (See Office Action, page 3, lines 1-6 of the last paragraph). The Examiner then acknowledged that Bacon is silent on responsively activating an alert at the fixed wireless device if the registered location of the fixed wireless device does not match the current location of the fixed wireless device. (See Office Action, page 3, lines 6-8 of the last paragraph).

To make up for this clear deficiency of Bacon, the Examiner asserted that col. 9, lines 6-18 of “Valentine teaches that it is well known in the art to responsively activate an alert at a wireless device if the registered location of the wireless device does not match the current location of the wireless device.” (See Office Action, page 4, lines 8-10). The Examiner also indicated “Valentine teaches that is well known in the art to *activate an alert at a wireless device if the registered location* (i.e., *registered coverage area*) of the wireless device does not match

the current location of the wireless device.” (See Office Action, page 2, lines 15-18, emphasis added). Applicant submits that the Examiner has misconstrued Valentine and has thus erred in concluding that the invention of claims 1 and 22 would have been obvious in view of Bacon, Valentine, and Fukushima.

At best, col. 9, lines 6-18 of Valentine teaches “a mobile station 120 is configured to alert its user of the fact that the mobile station 120 is located outside *the coverage area of a terrestrially-based mobile telecommunications system*.” (Emphasis added). The coverage area of a terrestrially-based mobile telecommunications system, as disclosed by Valentine, does not amount to the registered location recited in claims 1 and 22, and thus Applicant submits that Valentine’s disclosure of alerting a user of the fact that a mobile station is located outside the coverage area of a terrestrially-based mobile telecommunications system does not reasonably lead to the idea of activating an alert at the fixed wireless device if the registered location of the fixed wireless device does not match the current location of the fixed wireless device.

Valentine’s coverage area is of a terrestrially-based mobile telecommunications system. Valentine teaches the telecommunications system includes a satellite-based part and a terrestrially-based part. (See, e.g., Valentine, col. 9, lines 14-18). Valentine also teaches a mobile station 120 is the physical equipment, e.g., a car phone or a portable phone, used by a mobile subscriber to communicate with the combined cellular-satellite network. (See, e.g., Valentine, col. 4, lines 12-15).

Even if it is assumed for the sake of argument that a fixed wireless device and a wireless local loop hub are mobile wireless devices (e.g., mobile stations), which Applicant does not concede, the registered locations recited in claims 1 and 22 are of a fixed wireless device and a

wireless local loop hub, respectively, and not a coverage area of a terrestrially-based telecommunications system that communicates with the mobile station 120.

The coverage area of a mobile telecommunications system is the area where the mobile telecommunications system provides communication coverage. According to Valentine: (i) the mobile station 120 includes a central logic unit 350 which measures the power levels of respective broadcast signals  $B_T$  (a terrestrially-based broadcast signal) and  $B_S$  (a satellite-based broadcast signal) and estimates therefrom *a degree of communication coverage* offered by the telecommunications system 90 at the mobile station's 120 current location, (ii) if the communications coverage is estimated as insufficiently low, *control signals are passed on to an alerting apparatus for alerting the mobile station 120 user of this fact*, and (iii) typically, an alert is initiated when no broadcast signals  $B_T$  or  $B_S$  at all can be distinguished by the mobile station 120. (See, e.g., Valentine, col. 10, lines 6-15, emphasis added). However, Valentine does not teach or suggest that the coverage area of a mobile telecommunications system is a registered location of a fixed wireless device or a registered location of a wireless local loop hub.

Additionally, Valentine does not reasonably teach or suggest that the registered location (i.e., a registered coverage area as asserted by the Examiner) is stored at the fixed wireless device and comprises information indicating a customer premises where the fixed wireless device is located as recited in claim 1, or that the registered location (i.e., a registered coverage area as asserted by the Examiner) is stored in data storage of a wireless local loop hub and comprises stored information indicating a customer premises where the wireless local loop hub is located as recited in claim 22.

Since the coverage area of a terrestrially-based mobile telecommunications system does not amount to the registered locations recited in claims 1 and 22, Applicant submits that the

combination of Bacon and Valentine do not reasonably teach or suggest (i) comparing a registered location of a fixed wireless device to a current location of the fixed wireless device, wherein the registered location is stored at the fixed wireless device and comprises information indicating a customer premises where the fixed wireless device is located, and responsively *activating an alert at the fixed wireless device if the registered location of the fixed wireless device does not match the current location of the fixed wireless device*, as recited in claim 1, and (ii) data storage for storing a registered location of a wireless local loop hub, wherein the registered location comprises stored information indicating a customer premises where the wireless local loop hub is located, and alert logic arranged to invoke an alert mechanism so as to *provide an alert at the wireless local loop hub in response to a determination that the current location of the wireless local loop hub does not match the registered location of the wireless local loop hub*, as recited in claim 22.

Applicant submits that Fukushima fail to make up for the deficiency of Bacon and Valentine with respect to claims 1 and 22. Since the combination of Bacon, Valentine, and Fukushima fails to disclose or suggest all of the limitations of claims 1 and 22, Applicant submits that claims 1 and 22 are allowable. Additionally, without conceding the assertions made by the Examiner regarding dependent claims 4-6, 9, 23, and 28-37, Applicant submits that dependent claims 4-6, 9, 23, and 28-37 are allowable for at least the reason that they depend from one of allowable claims 1 or 22.

#### **4. Conclusion**

Applicant believes that all of the pending claims have been addressed in this response. However, failure to address a specific rejection or assertion made by the Examiner does not signify that Applicant agrees with or concedes that rejection or assertion.

For the foregoing reasons, Applicant submits that claims 1, 4-6, 9, 22-23, and 28-37 are in condition for allowance. Therefore, Applicant respectfully requests favorable reconsideration and allowance of all of the claims.

Respectfully submitted,

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Date: September 26, 2007

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